

**WORKERS' COMPENSATION APPEALS BOARD  
STATE OF CALIFORNIA**

**ANNA HONG, *Applicant***

**vs.**

**SBC INTERNET SERVICES/PACIFIC BELL; AMERICAN HOME ASSURANCE,  
administered by SEDGWICK CLAIMS MANAGEMENT SERVICES, *Defendants***

**Adjudication Numbers: ADJ2419734 (SFO 0504906);  
ADJ2647713 (SFO 0504908); ADJ292246 (SFO 0505632)  
San Francisco District Office**

**OPINION AND ORDER  
DENYING PETITION FOR  
RECONSIDERATION**

Applicant in pro per seeks reconsideration of our Opinion and Order Dismissing Petition for Reconsideration issued on May 7, 2026, wherein we dismissed applicant's petition for reconsideration of the Joint Findings of Fact issued by the workers' compensation administrative law judge (WCJ) on January 20, 2026, which found that (1) while employed during the periods ending July 19, 2005 (ADJ2419734), July 1, 2004 (ADJ2647713), and April 30, 2008 (ADJ292246), by defendant SBC Internet Services/Pacific Bell, applicant sustained injury arising out of and occurring in the course of employment to her upper extremities; (2) at the time of the injury identified in Finding of Fact No. 1, defendant SBC Internet/Pacific Bell was insured for purposes of workers' compensation benefits by American Home Assurance; (3) as a result of the injury identified in Finding of Fact No. 1, applicant's treating physician requested authorization for a motorized wheelchair on July 30, 2025; (4) the utilization review (UR) determination made August 4, 2025 was a timely denial of durable medical equipment within the meaning of Labor Code section 4610;<sup>1</sup> and (5) the WCAB lacks jurisdiction to determine if a motorized wheelchair is reasonable and necessary to cure the effects of the injury at this time.

Applicant contends that the petition for reconsideration should be deemed timely because she was traveling outside the country and unable to review the Joint Findings of Fact until

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<sup>1</sup> Unless otherwise stated, all further statutory references are to the Labor Code.

February 18, 2026.<sup>2</sup> Applicant further contends that the WCJ erroneously found that the WCAB lacks jurisdiction over the issue of whether a motorized wheelchair is reasonable and necessary because defendant previously authorized motorized wheels for a manual wheelchair.

We received an Answer from defendant.

We have considered the allegations of the Petition, the Answer, and the contents of the Report. Based upon our review of the record and for the reasons stated below and in the May 7, 2026 Opinion and Order Dismissing Petition for Reconsideration, which we adopt herein, we will deny the Petition for Reconsideration.

Former section 5909 provided that a petition for reconsideration was deemed denied unless the Appeals Board acted on the petition within 60 days from the date of filing. (§ 5909.) Effective July 2, 2024, section 5909 was amended to state in relevant part:

(a) A petition for reconsideration is deemed to have been denied by the appeals board unless it is acted upon within 60 days from the date a trial judge transmits a case to the appeals board.

(b)

(1) When a trial judge transmits a case to the appeals board, the trial judge shall provide notice to the parties of the case and the appeals board.

(2) For purposes of paragraph (1), service of the accompanying report, pursuant to subdivision (b) of Section 5900, shall constitute providing notice.

Under section 5909(a), the Appeals Board must act on a petition for reconsideration within 60 days of transmission of the case to the Appeals Board. Transmission is reflected in Events in the Electronic Adjudication Management System (EAMS). Specifically, in Case Events, under Event Description is the phrase “Sent to Recon” and under Additional Information is the phrase “The case is sent to the Recon board.”

Here, according to Events, the case was transmitted to the Appeals Board on May 19, 2026, and 60 days from the date of transmission is July 18, 2026. The next business day that is 60 days from the date of transmission is July 20, 2026. (See Cal. Code Regs., tit. 8, § 10600(b).)<sup>3</sup> This

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<sup>2</sup> The petition for reconsideration of the Joint Findings of Fact indicates that applicant did not review that decision until February 17, 2026. The petition for reconsideration of the Joint Findings of Fact was not filed until February 23, 2026.

<sup>3</sup> WCAB Rule 10600(b) (Cal. Code Regs., tit. 8, § 10600(b)) states:

Unless otherwise provided by law, if the last day for exercising or performing any right or duty to act or respond falls on a weekend, or on a holiday for which the offices of the Workers' Compensation Appeals Board are closed, the act or response may be performed or exercised upon the next business day.

decision is issued by or on July 20, 2026, so that we have timely acted on the petition as required by section 5909(a).

Section 5909(b)(1) requires that the parties and the Appeals Board be provided with notice of transmission of the case. Transmission of the case to the Appeals Board in EAMS provides notice to the Appeals Board. Thus, the requirement in subdivision (1) ensures that the parties are notified of the accurate date for the commencement of the 60-day period for the Appeals Board to act on a petition. Section 5909(b)(2) provides that service of the Report and Recommendation shall be notice of transmission.

Here, according to our review of the record, we did not receive a Report and Recommendation by a workers' compensation administrative law judge, and no other notice to the parties of the transmission of the case to the Appeals Board was provided by the district office. Thus, we conclude that the parties were not provided with the notice of transmission required by section 5909(b)(1). While this failure to provide notice does not alter the time for the Appeals Board to act on the petition, we note that as a result the parties did not have notice of the commencement of the 60-day period on May 19, 2026.

Applicant contends that the petition for reconsideration should be deemed timely because she was traveling outside the country and unable to review the Joint Findings of Fact until February 17, 2026. Specifically, applicant argues that the time for filing the petition is tolled because she advised the WCJ of the dates of her travel and consulted with the Information & Assistance (I&A) officer about her inability to respond to a decision by the WCJ while traveling.

We previously explained that the time limit to file a petition for reconsideration from a "final" decision is jurisdictional and the Appeals Board has no authority to consider or act upon an untimely petition for reconsideration. (Opinion and Order Dismissing Petition for Reconsideration, May 7, 2026, p. 4; see also §§ 5900(a), 5903; Cal. Code Regs., tit. 8, § 10605(a)(1); *Maranian v. Workers' Comp. Appeals Bd.* (2000) 81 Cal.App.4th 1068, 1076 [65 Cal.Comp.Cases 650, 656]; *Rymer v. Hagler* (1989) 211 Cal.App.3d 1171, 1182; *Scott v. Workers' Comp. Appeals Bd.* (1981) 122 Cal.App.3d 979, 984 [46 Cal.Comp.Cases 1008, 1011]; *U.S. Pipe & Foundry Co. v. Industrial Acc. Com. (Hinojoza)* (1962) 201 Cal.App.2d 545, 549 [27 Cal.Comp.Cases 73, 75–76].)

Given these authorities, we are unable to discern support for the Petition.

Accordingly, we will deny the Petition.

Nevertheless, we will address applicant's contention that the WCJ erroneously found that the WCAB lacks jurisdiction over the issue of whether a motorized wheelchair is reasonable and necessary because defendant previously authorized motorized wheels for a manual wheelchair.

Under California's workers' compensation system, questions relating to the medical necessity of a treatment requested by a physician are decided through a compulsory UR process. Section 4610 requires that employers establish a UR process and once a treating physician submits an RFA to an employer, the employer must either approve the treatment request or dispute the treatment request and submit the matter for review by a UR physician who then must determine, based on "medical necessity," whether to approve, modify, or deny the requested treatment. (§ 4610; *State Comp. Ins. Fund v. Workers' Comp. Appeals Bd. (Sandhagen)* (2008) 44 Cal.4th 230, 241.)

In this regard, applicant argues that UR does not apply to the request for a motorized wheelchair or "scooter" because defendant previously authorized motorized wheels for a manual wheelchair, and, therefore, the necessity of the treatment is not in dispute.

Here, defendant authorized motorized wheels for applicant's manual wheelchair because applicant had non-industrial disabilities that sometimes required her to use a manual wheelchair and her industrial injury to the upper extremities made her unable to use it. (Opinion and Order Dismissing Petition for Reconsideration, May 7, 2026, p. 2.) The request before us, however, seeks a motorized wheelchair or "scooter" rather than modification of a manual wheelchair. It follows that the request is for a new and different treatment; and, as such, is subject to UR.

Accordingly, we conclude that we would have denied the petition for reconsideration had we not dismissed it as untimely.

Accordingly, we will deny the Petition for Reconsideration.

For the foregoing reasons,

**IT IS ORDERED** that the Petition for Reconsideration of our Opinion and Order Dismissing Petition for Reconsideration issued on May 7, 2026 is **DENIED**.

**WORKERS' COMPENSATION APPEALS BOARD**

**/s/ JOSEPH V. CAPURRO, COMMISSIONER**



**I CONCUR,**

**/s/ ANNE SCHMITZ, DEPUTY COMMISSIONER**

**/s/KATHERINE WILLIAMS DODD, COMMISSIONER**

**DATED AND FILED AT SAN FRANCISCO, CALIFORNIA**

**JULY 1, 2026**

**SERVICE MADE ON THE ABOVE DATE ON THE PERSONS LISTED BELOW AT THEIR ADDRESSES SHOWN ON THE CURRENT OFFICIAL ADDRESS RECORD.**

**ANNA HONG  
COLEMAN CHAVEZ & ASSOCIATES**

**SRO/pm**

I certify that I affixed the official seal of the Workers' Compensation Appeals Board to this original decision on this date.  
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